

*Order prepared and submitted by:*

Kenneth L. Cannon II (kcannon@djplaw.com) (3705)  
Steven J. McCardell (smccardell@djplaw.com) (2144)  
DURHAM JONES & PINEGAR, P.C.  
111 East Broadway, Suite 900  
P.O. Box 4050  
Salt Lake City, UT 84110-4050  
Telephone: (801) 415-3000/Fax: (801) 415-3500

Michael V. Blumenthal (mblumenthal@crowell.com) (admitted pro hac vice)  
Bruce J. Zabarauskas (bzabarauskas@crowell.com) (admitted pro hac vice)  
CROWELL & MORING LLP  
590 Madison Avenue, 20th Floor  
New York, NY 10022  
Telephone: (212) 223-4000/Fax: (212) 223-4134

Counsel for Debtors and Debtors in Possession

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

In re:

EASY STREET HOLDING, LLC, *et al.*,

Address: 201 Heber Avenue  
Park City, UT 84060

Tax ID Numbers:  
35-2183713 (Easy Street Holding, LLC),  
20-4502979 (Easy Street Partners, LLC), and  
84-1685764 (Easy Street Mezzanine, LLC)

Bankruptcy Case No. 09-29905  
Jointly Administered with Cases  
09-29907 and 09-29908

Chapter 11

Honorable R. Kimball Mosier

**[FILED ELECTRONICALLY]**

**ORDER AUTHORIZING THE DEBTORS TO CONDUCT  
EXAMINATION PURSUANT TO RULE 2004**

Upon the Court's consideration of the Motion for an Order Authorizing the Debtors to Conduct an Examination Pursuant to Rule 2004 of the Bankruptcy Rules, and good cause appearing therefore, it is hereby

**ORDERED** that the Debtors, by and through counsel, are hereby authorized to conduct the examination of David Wickline, Alchemy Ventures Group, LLC and Alchemy Ventures Trust, LLC (the "Examinees") pursuant to Rule 2004 of the Bankruptcy Rules on Wednesday November 18, 2009 at 10:00 a.m., prevailing Pacific Time at the offices of Folger Levin & Kayn, LLP, Embarcadero Center West, 275 Battery Street, 23<sup>rd</sup> Floor, San Francisco, CA 94111 (telephone: 415.986.2800); and it is further

**ORDERED** that David Wickline, Alchemy Ventures Group, LLC and Alchemy Ventures Trust, LLC are directed to produce the documents listed on Exhibit 1 hereto on Monday November 23, 2009 at 10:00 a.m., at the offices of Folger Levin & Kayn, LLP, Embarcadero Center West, 275 Battery Street, 23<sup>rd</sup> Floor, San Francisco, CA 94111 (telephone: 415.986.2800) or at such other location as may be agreed to by counsel for the Debtors and counsel for the Examinees; and it is further

**ORDERED** that counsel for the Debtors are authorized to issue and serve a subpoena for such examination and such production of documents, as set forth in the Exhibit 1 to this Order, pursuant to Fed. R. Bank. P. 2004 and 9016; and it is further

**ORDERED** that the Debtors are ordered to serve a copy of this Order upon David Wickline, Alchemy Venture Group, LLC and Alchemy Venture Trust, LLC so as to provide them with not less than 15 days written notice of the dates for examination and the production of documents as required by Local Rule 2004-1(1).

----- END OF ORDER-----

## **EXHIBIT 1**

### **DEFINITIONS**

The following definitions are to be used in connection with the document production required by the prefixed order.

- A. “Alchemy” means Alchemy Ventures Group, LLC.
- B. “Alchemy Trust” means Alchemy Ventures Trust, LLC.
- C. “AVG” means AVG SL, LLC.
- D. “BayNorth” means BayNorth Realty Fund VI, LP and any affiliates thereof.
- E. “Debtors” means Easy Street Holding, LLC, Easy Street Mezzanine, LLC and Easy Street Partners, LLC.
- F. “Mezzanine Loan” means the loan made pursuant to that certain Loan Agreement, dated as of March 30, 2006 between Easy Street Mezzanine LLC and BayNorth.
- G. “Mezzanine Loan Commitment” means any loan commitment or document reflecting BayNorth’s willingness or agreement to enter into a loan agreement with one or more of the Debtors.
- H. “WestLB Senior Loan” means the loan made pursuant to that certain Loan and Security Agreement, dated as of March 30, 2006, between Easy Street Partners, LLC and WestLB AG.
- I. The “Premises” means the real and personal property known and operated by Easy Street Partners, LLC, as The Sky Lodge in Park City, Utah.

J. "Wickline" means David Wickline.

**DOCUMENTS TO BE PRODUCED<sup>1</sup>**

1. All correspondence concerning any of the Debtors, the Premises, the WestLB Senior Loan or the Mezzanine Loan, and which is between Wickline and: (i) any of the members of the Debtors; (ii) William Shoaf; (ii) Philo Smith; (iii) Elizabeth Rad; (iv) Michael Feder; (v) Chipper Leonard; (vi) any employee, representative or principal of Summit Business Services; (vii) Andy Stein; (viii) Bruce Davidson; (ix) Christian Ruehmer; (x) James Winikor; (xi) any employee, representative, employee, principal of or attorney for WestLB, (xii) Larry Vogler; (xiii) Jeff Breden; or (xiv) any employee, representative or employee of Prime Capital.

2. All correspondence concerning any of the Debtors, the Premises, the WestLB Senior Loan or the Mezzanine Loan, and which is between Wickline and: (i) Charlie Flint; (ii ) Allen Taylor; (iii) any employee, representative or principal of, or attorney for, BayNorth or any affiliate of BayNorth.

3. All correspondence concerning any of the Debtors, the Premises, the WestLB Senior Loan or BayNorth, and which is between Wickline and (i) George David; or (ii) any employee, representative or principal of Realty Financial Resources, Inc.

4. All documents concerning negotiations or discussions with lenders other than BayNorth concerning a mezzanine loan in connection with any of the Debtors or the Premises

5. The Mezzanine Commitment Letter and any and all drafts thereof.

---

<sup>1</sup> Unless otherwise specified herein, this document request applies to all documents concerning the time period from June 1, 2005 to date.

6. All documents concerning any transactions between: (x) BayNorth or any of its affiliates, and (y) any entity owned by, or affiliated with, Wickline.

7. All documents concerning, referring to or relating to any alleged defaults asserted by BayNorth under the Mezzanine Loan.

8. All documents concerning, referring to or relating to any defaults or alleged defaults under the WestLB Senior Loan.

9. All documents concerning, referring to or relating to the \$5,600,000 payment made to BayNorth in February 2008 in connection with the Mezzanine Loan.

10. All documents concerning any proposal to tender or offer to tender a deed to the Premises in lieu of foreclosure to BayNorth.

11. All documents concerning AVG's management of the Premises.

12. All documents concerning the preparation of, filing of or failure to file, tax returns on behalf of any of the Debtors for tax years 2007 and 2008.

13. All documents concerning any offers to purchase any direct or indirect interest owned by Wickline in Alchemy Trust, Alchemy or Holding.

14. All documents concerning management related actions taken by Wickline, Alchemy or Alchemy Trust on behalf of any of the Debtors.